

REMARKS/ARGUMENTS

The applicants thank the Examiner for his Office Action mailed January 3, 2005. This paper confirms the withdrawal (without prejudice) of Claims 3, 7-9, and 12-20 from consideration at this time. Claim 1 has been cancelled and Claims 2, 10, and 11 have been amended and are discussed further herein. Thus, Claims 2, 4-6, 10 and 11 are currently pending in the application. No new matter has been introduced. Reconsideration and allowance are hereby requested.

The Drawings:

The Office Action suggests that the semiconductor integrated circuit with memory device (e.g., as recited in Claim 10) is not shown in the figures. The applicants respectfully point out that this feature is depicted schematically in Figure 5 and further described in the discussions pertaining thereto. Thus, it is respectfully submitted that the "undepicted" feature is in fact shown by the drawings. Accordingly, the applicants respectfully request that this ground of rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

All pending Claims 1, 2, 4-6, 10, and 11 have been rejected under 35 U. S. C. §§ 102(a) as being unpatentable over *Wu et al* (USPN 6,528,423)(hereinafter *Wu*).

Claim 1 has been cancelled obviating this ground of rejection.

Claim 2 amended to include the limitations of Claim 1 and also omit the reference to hafnium oxide. As such Claim 2 forms a new base claim that includes the limitation of "the dielectric gate stack including an electron trapping layer formed of an wherein the electron trapping material that is selected from among the group consisting of zirconium oxide, ~~hafnium oxide,~~ and aluminum oxide". *Wu* does not teach or suggest the advantages of the claimed zirconium oxide or aluminum oxide material as electron trapping layers. Accordingly, it is respectfully submitted that in view of the forgoing amendment, that Claim 2 is in condition for allowance. Accordingly, Applicants request that this rejection be withdrawn.

Moreover, Claims 4-6 and 10 are dependent from Claim 2. Therefore, the aforementioned amendment to Claim 2 is relevant to all dependent claims. The nature of these dependent claims provide additional distinctions between the pending claims and the cited art. However, due to the allowability of amended Claim 2, discussion of these further limitations is

not required at this time. Thus, for at least the reasons set forth above with respect to Claim 2, it is respectfully submitted that these remaining dependent claims are also in condition for allowance. Accordingly, Applicants request that this rejection be withdrawn as to Claims 2 and 4-6.

Additionally, Claim 11 has been amended to limit the scope of materials claimed for the electron trapping layer. For example, Claim 11 now includes "zirconium oxide and aluminum oxide" electron trapping materials. Thus, for at least the reasons set forth above with respect to Claim 2, it is respectfully submitted that Claim 11 is also in condition for allowance. Accordingly, Applicants request that this rejection be withdrawn as to Claim 11 as well.

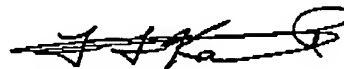
Conclusion:

In view of the foregoing amendments and remarks, it is respectfully submitted that the claimed invention as presently presented is patentable over the art of record and that this case is now in condition for allowance.

Should the Examiner, for any reason, wish to contact the undersigned, he is cordially invited to do so at his convenience. Moreover, if the Examiner has any continuing concerns regarding this case, he is invited to contact the undersigned at (650) 961-8300.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Francis T. Kalinski II
Registration No. 44,177

P.O. Box 70250
Oakland, CA 94612-0250
Telephone: (650) 961-8300